

REMARKS

This Amendment is responsive to the Final Office Action dated September 12, 2008, and also to the Advisory Action mailed November 18, 2008. This Amendment accompanies a Request for Continued Examination (RCE), and constitutes the required submission. Applicant has amended claims 12 - 13 and 22 - 25, cancelled claims 1 - 11 and 19 - 21 from further consideration, and added new claims 26 - 27. Applicant previously withdrew claims 17 - 18 from consideration. Claims 12 - 18 and 22 - 27 are pending upon entry of this Amendment.

Applicant does not concede or admit that the subject matter encompassed by any of the cancelled claims, including claims 1 - 11 and 19 - 21 as previously presented, is unpatentable over the art cited by the Examiner. Applicant has cancelled claims 1 - 11 and 19 - 21 in this Amendment solely to facilitate expeditious prosecution of the remaining claims towards allowance. Applicant respectfully reserves the right to pursue the subject matter encompassed by any of the cancelled claims, as well as any additional claims, in one or more continuing applications.

Interview Summary Record

As per the requirements of MPEP §713.04, the present summary constitutes a summary record of the substance of the interview between Applicant's representative, Raymond R. Berdie (Reg. No. 50,769) and the Examiner (Shew Fen Lin) on December 2, 2008. Applicant's representative wishes to thank the Examiner for agreeing to this telephonic interview.

During the interview, Applicant's representative and the Examiner discussed the following items with respect to the Final Office Action dated September 12, 2008: (1) the claim objections; (2) the objection to the specification; (3) the rejections of claims 1 - 11 and 21 under 35 U.S.C. 101; (4) the rejections of claims 24 and 25 under 35 U.S.C. 112, first paragraph; (5) the rejections of claims 1 - 2, 4, 6 - 7, 9, 11 - 16, and 21 - 25 under 35 U.S.C. 102(b); and (6) the rejections of claims 3, 5, 8, and 10 under 35 U.S.C. 103(a). Applicant's representative also discussed certain proposed amendments to the claims. Applicant's representative argued that the applied references failed to disclose or suggest each and every feature of the claims. No formal agreement was reached.

Claim Objections

The Examiner objected to claims 3 - 5, 9, 11 - 12, and 22. Claims 3 - 5, 9 and 11 have been cancelled without prejudice, thereby rendering the objections to these claims moot.

Applicant has amended claim 12 to remove the phrase "though the control cube," and has also amended claim 22 to clarify that the metadata of the control cube includes a description of what the member cubes are, and how the member cubes are deployed in the metadata of the control cube. Applicant therefore requests withdrawal of the objections to claims 3 - 5, 9, 11 - 12, and 22.

Objection - Specification

The Examiner objected to the specification as allegedly failing to provide proper antecedent basis for the claimed subject matter of claim 1. Applicant respectfully disagrees. Applicant has, however, cancelled claim 1 without prejudice, rendering the objection moot.

Claim Rejections - 35 USC § 101

The Examiner rejected claims 1 - 11 and 21 under 35 U.S.C. 101 as allegedly being directed towards non-statutory subject matter. Applicant traverses. However, in an effort to expedite prosecution of the claims through to allowance, Applicant has cancelled claims 1 - 11 and 21 without prejudice, rendering the rejections to these claims moot.

Claim Rejections - 35 USC § 112

The Examiner rejected claims 24 and 25 under 35 USC § 112, first paragraph, as allegedly failing to comply with the written description requirement. Applicant traverses, but nonetheless has amended claim 24 to clarify that the method further comprises adding metadata of an additional member cube to the control cube. Applicant has amended claim 25 to clarify that the method further comprises removing metadata of a member cube of the member cubes from the control cube. Applicant respectfully submits that amended claims 24 and 25 comply with 35 USC § 112, first paragraph, and that exemplary support for the claim amendments may be found in paragraphs [0024], [0026], [0069], [0095], [0109], and [0116] of the published application of Applicant's disclosure as originally filed.

Claim Rejections - 35 USC § 102

The Examiner has rejected claims 1, 2, 4, 6, 7, 9, 11 - 16 and 21 - 25 under 35 U.S.C. 102(b) as allegedly being anticipated by Joy Mundy ("Using Partitions in a Microsoft SQL Server 2000 Data Warehouse", February 2001, [http://technet.microsoft.com/en-us/library/aa9022650\(SQL\).80.asp](http://technet.microsoft.com/en-us/library/aa9022650(SQL).80.asp), hereinafter "Mundy"). Applicant traverses and respectfully requests reconsideration of the rejections for at least the reasons set forth below.

Applicant has amended independent claim 12, which now requires the following features: partitioning, by a computer executing code stored in a computer-readable memory, the data into one or more dimension-based partitions, the data partitioned along a single partitioning dimension; creating member cubes corresponding to the one or more dimension-based partitions; creating a control cube having metadata about the member cubes, the metadata including hierarchy information of the single partitioning dimension for the member cubes; and providing, by the control cube, control information used by a query engine to route queries to the member cubes and aggregate the data that is distributed over the member cubes.

Applicant has also made various other claim amendments, as well, for clarification. Applicant submits that exemplary support for these claim amendments may be found in paragraphs [0024], [0026], [0069], [0089]-[0095], [0098], and [0120]-[0121] of the published application of Applicant's disclosure as originally filed. Applicant submits that Mundy fails to disclose or suggest each and every feature of claim 12.

Mundy teaches a method of using partitions on a SQL server. Data is partitioned into cubes in order to, for example, provide a smaller dataset to work with. Mundy describes a method of partitioning a fact table and creating a unified view of the partitions. Mundy accomplishes this by creating the partitioned cubes and creating a view that is a UNION ALL command. That is, a new view is created using the SQL command UNION ALL, which joins all of the partitioned cubes together.

This differs from the claimed system (as amended). The use of the UNION ALL view of the partitioned cubes of Mundy, or the populating of partitions in Mundy, does not disclose or suggest a control cube that has metadata about the member cubes, the metadata including hierarchy information of the single partitioning dimension for the member cubes. Mundy also fails to disclose or suggest a control cube that provides control information used by a query

engine to route queries to the member cubes and aggregate the data that is distributed over the member cubes. Thus, Applicant submits that claim 12, as amended, is patentable over Mundy.

Claims 13 - 16 and 22 - 25 are dependent claims that each depend, either directly or indirectly, in independent claim 12. Thus, for at least the reasons outlined above regarding claim 12, Applicant further submits that Mundy fails to disclose or suggest each and every feature of claims 13 - 16 and 22 - 25.

In sum, Mundy fails to disclose each and every feature set forth in claims 12 - 16 and 22 - 25, and therefore fails to establish a prima facie case for anticipation of these claims under 35 U.S.C. § 102(b). Applicant therefore respectfully requests withdrawal of the rejections to these claims.

Claim Rejections - 35 USC § 103

The Examiner rejected claims 3, 5, 8 and 10 under 35 U.S.C. 103(a) as allegedly being unpatentable over Mundy in view of Pasumansky et al. (US Patent 6,477,536, hereinafter "Pasumansky"). Applicant traverses, and submits that the applied references fail to disclose or suggest the inventions defined by Applicant's claims, and also provide no teaching that would have suggested the desirability of modification to arrive at the claimed inventions.

Nevertheless, in an effort to expedite prosecution of the claims through to allowance, Applicant has cancelled claims 3, 5, 8 and 10 without prejudice. As a result, Applicant requests withdrawal of the rejections to these claims under 35 U.S.C. 103(a).

New Claims

Applicant has added new claims 26 - 27 to the pending application, which are fully supported by Applicant's disclosure as originally filed. The applied references fail to disclose or suggest the inventions defined by Applicant's new claims, and provide no teaching that would have suggested the desirability of modification to arrive at the claimed inventions.

CONCLUSION

All claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

Date: December 11, 2008

By:



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